

RECEIVED
CENTRAL FAX CENTER

FEB 01 2006

Application No. (if known):

Attorney Docket No.: NY-DNAG-313-US

Certificate of Facsimile Transmission

I hereby certify that this correspondence is being sent by Facsimile to 1-572-273-8300 addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
MS: PCT,
on 2/1/06
Date

Eileen Sheffield

Signature

Eileen Sheffield

Typed or printed name of person signing Certificate

Registration Number, if applicable

(212) 318-3000

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.
371 Transmittal - 2nd Submission
Executed Declaration

25620494_1.DOC

BEST AVAILABLE COPY

FEB 01 2006

PTO-1390 (Rev. 02-2005)

Approved for use through 03/31/2007. OMB 0851-0021
 U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL LETTER TO THE UNITED STATES
 DESIGNATED/ELECTED OFFICE (DO/EO/US)
 CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

NY-DNAG-313-US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

| | | |
|-------------------------------|---------------------------|-----------------------|
| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED |
| PCT/EP2004/007032 | June 29, 2004 | July 15, 2003 |

| | |
|--------------------|--|
| TITLE OF INVENTION | METHOD FOR THE PRODUCTION OF METAL POWDERS OR METAL HYDRIDE POWDERS OF THE ELEMENTS Ti, ZR, HF, V, NB, TA AND CR |
|--------------------|--|

| | |
|---------------------------|--------------|
| APPLICANT(S) FOR DO/EO/US | Bick, et al. |
|---------------------------|--------------|

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.
- This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.
- This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.
- The US has been elected (Article 31).
- A copy of the International Application as filed (35 U.S.C. 371 (c)(2));
 - is attached hereto (required only if not communicated by the International Bureau).
 - has been communicated by the International Bureau.
 - is not required, as the application was filed in the United States Receiving Office (RO/US).
- An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2));
 - is attached hereto.
 - has been previously submitted under 35 U.S.C. 154(d)(4).
- Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - are attached hereto (required only if not communicated by the International Bureau).
 - have been communicated by the International Bureau.
 - have not been made; however, the time limit for making such amendments has NOT expired.
 - have not been made and will not be made.
- An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
- An oath or declaration of the Inventor(s) (35 U.S.C. 371 (c)(4)).
- An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

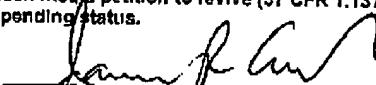
- An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- A preliminary amendment.
- An Application Data Sheet under 37 CFR 1.76.
- A substitute specification.
- A power of attorney and/or change of address letter.
- A computer-readable form of the sequence listing in accordance with PCT Rule 13(er.2 and 37 CFR 1.821 - 1.825).
- A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
- Other items or information:

BEST AVAILABLE COPY

PTO-1380 (Rev. 02-2005)

Approved for use through 03/31/2007. OMB 0651-0021
U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | | | | | | | |
|--|--------------|---|------------|--|--|------------------------|----|-----------------------|----|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5) | | INTERNATIONAL APPLICATION NO. PCT/EP2004/007032 | | ATTORNEY'S DOCKET NUMBER DNAG-313-US | | | | | |
| The following fees have been submitted | | | | | | | | | |
| 21. <input checked="" type="checkbox"/> Basic national fee | | \$300 | | CALCULATIONS PTO USE ONLY \$ 300.00 | | | | | |
| 22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) | | \$100 | | | | | | | |
| All other situations | | \$200 | | \$ 200.00 | | | | | |
| 23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority | | \$100 | | | | | | | |
| International Search Report prepared and provided to the Office | | \$400 | | | | | | | |
| All other situations | | \$500 | | \$ 500.00 | | | | | |
| TOTAL OF 21, 22 and 23 = | | | | \$ 1,000.00 | | | | | |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof. | | | | | | | | | |
| Total Sheets | Extra sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | RATE | | | | | | |
| - 100 = | /50 = | | x \$250.00 | | | | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)). | | | | | | | | | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | | | | | |
| Total claims | | 2 | x | \$ | | | | | |
| Independent claims | 1 - 3 = | | x | \$ 0.00 | | | | | |
| MULTIPLE DEPENDENT CLAIM(s) (If applicable) | | | | | | | | | |
| TOTAL OF ABOVE CALCULATIONS = | | | | | | | | | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½. | | | | | | | | | |
| SUBTOTAL = | | | | | | | | | |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). | | | | | | | | | |
| TOTAL NATIONAL FEE = | | | | | | | | | |
| Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31), \$40.00 per property | | | | | | | | | |
| TOTAL FEES ENCLOSED = | | | | | | | | | |
| <table border="1"> <tr> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td>Amount to be charged:</td> <td>\$</td> </tr> </table> | | | | | | Amount to be refunded: | \$ | Amount to be charged: | \$ |
| Amount to be refunded: | \$ | | | | | | | | |
| Amount to be charged: | \$ | | | | | | | | |
| a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. | | | | | | | | | |
| b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. | | | | | | | | | |
| c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0824. A duplicate copy of this sheet is enclosed. | | | | | | | | | |
| d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status. | | | | | | | | | |
| SEND ALL CORRESPONDENCE TO: | | | | | | | | | |
|  James R. Crawford FULBRIGHT & JAWORSKI L.L.P. 666 Fifth Avenue New York, New York 10103 (212) 318-3168 | | | | | | | | | |
| CUSTOMER NUMBER: 024972 SIGNATURE: _____ NAME: James R. Crawford REGISTRATION NUMBER: 39,155 | | | | | | | | | |

BEST AVAILABLE COPY